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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

TUESDAY, OCTOBER 7, 2003
1:30 P.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Steven R. Jones

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Michael Bledsoe, Acting Chief Counsel

Geannine Bakulich, Committee Secretary

Sue Ingle

Jim La Tanner

Michelle Marlowe

Corky Mau, Supervisor in the Recycling Market Development
Zone Program

Piper Miguelgorry

Pat Schiavo, Deputy Director

John Smith

Patty Wohl, Deputy Director

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APPEARANCES CONTINUED

ALSO PRESENT

Shari Afshari, LA Co. Public Works

Jack Dorrian, Stanislaus County

Sean Edgar, California Refuse Removal Council

Greg Pirie, Napa Company

Jim McCargue, Amador County

Jocelyn Reed, City of Modesto

Chuck White, Waste Management

Kevin Williams, Stanislaus Co. Department of Environmental
Resource

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1 PROCEEDINGS

2 COMMITTEE MEMBER WASHINGTON: Good afternoon, and
3 welcome to the October 7th meeting of the Sustainability
4 and Market Development and Planning Committee.

5 Geannine, could you call the roll?

6 SECRETARY BAKULICH: Peace?

7 COMMITTEE MEMBER PEACE: Here.

8 SECRETARY BAKULICH: Washington?

9 COMMITTEE MEMBER WASHINGTON: Here.

10 SECRETARY BAKULICH: Jones?

11 CHAIRPERSON JONES: Here.

12 A couple of things. I'm going read an
13 announcement, but for those of you that are new to the
14 process, if you could turn off your cell phones or turn
15 them on vibrate mode so as not to interrupt the meeting,
16 we would appreciate it. If you want to speak on an issue,
17 go ahead and fill out a speaker slip in the back of the
18 room and bring it up to Ms. Bakulich, and she will get it
19 to us. Okay.

20 At this CalePA building -- this is a special
21 announcement. This month we will be conducting a full
22 building evacuation, drill which will include evacuating
23 this room. This drill will occur without advance notice
24 and may occur during this meeting.

25 Please look for and note at least two emergency

1 exits. Exits are located inside the public hearing rooms
2 on the first and second floor and in the connecting halls
3 outside the conference room within the remainder of the
4 building.

5 If the alarm sounds, evacuate immediately. Take
6 all valuables with you. Do not use the elevators. If you
7 have mobility concerns that would prevent from you using
8 the stairways, please let the host of the meeting or any
9 other meeting organizer know so that arrangements can be
10 made to have you wait safely in a protected area. You
11 will be directed to a safe stairwell vestibule, and an aid
12 will stay with you until we have heard the all clear
13 announcement.

14 Follow your meeting host down the stairway to the
15 relocation site. All occupants will evacuate to the Cesar
16 Chavez Park located outside the building and across from
17 the southwest corner of City Hall. If you cannot make it
18 down all floors to the evacuation site, you may wait in a
19 stairway vestibule. Please make sure that a member of the
20 emergency team posted in or near the vestibule knows that
21 you are there.

22 Obey all traffic signals and be cautious when
23 crossing the street. Stay at the park until the all clear
24 signal and the completion of the drill is given. The all
25 clear signal is a raised green flag that will be posted at

1 the command center set up on the stage. If you do not
2 hear or see the announcement, simply stay with and follow
3 the lead of your meeting host. And for all those of you
4 that want to know, our meeting host is -- raise your hand.
5 That's your meeting host. All right.

6 Now that that's done, Ms. Wohl.

7 DEPUTY DIRECTOR WOHL: Ex partes.

8 CHAIRPERSON JONES: Any ex partes, members?

9 Ms. Peace.

10 COMMITTEE MEMBER PEACE: I'm up to date.

11 CHAIRPERSON JONES: Mr. Washington.

12 COMMITTEE MEMBER WASHINGTON: I have none.

13 CHAIRPERSON JONES: I'm up to date.

14 DEPUTY DIRECTOR WOHL: Good afternoon, Chair
15 Jones and Committee Members. My name is Patty Wohl. I'm
16 with the Waste Prevention and Market Development Division.

17 I have several things I'd like to report on this
18 afternoon, the first being that I'm pleased to announce
19 that the GIS maps are now available for the RMDZ program.
20 This would allow a manufacturer who's looking to locate in
21 a zone to be able to go out to our website, type in an
22 address, and find out if it's in a zone. That seems to be
23 working well.

24 In addition, I wanted to let the Board members
25 know that a letter was sent from the Board Chair, Linda

1 Moulton-Patterson, to the heads of each of the state
2 agencies. The purpose of the letter was two-fold, one, to
3 talk to them about accurate and complete SABRAC reporting.
4 And secondly, we included the 19 mini case studies that
5 document cost savings resulting from various
6 environmentally-preferable product purchases, as well as
7 the waste reduction practices.

8 We also had an unveiling of the sustainable
9 building task force 2003 blueprint, the cost and financial
10 benefits of green building, as well as giving the lead
11 gold plaque for Block 225. This all occurred at the East
12 End Complex on October 3rd.

13 Also at the full Board we'll be showing a clip,
14 but the Board's \$250,000 grant that went for the
15 installation of the rubberized asphalt concrete
16 surrounding the East End Complex was on display at the
17 dedication ceremony held on September 25th. We'll be
18 showing that so you can see some of the highlights.

19 With that, I'd like to end with showing you two
20 additional clips that have occurred, events that happened
21 last month that got some news coverage, the first being on
22 September 23rd. Scott McNall, the interim President of
23 California State University Chico and other university
24 administrators, along with Board Member Carl Washington
25 and Arnie Sowell from State and Consumers Services Agency

1 attended a signing ceremony, and I think Bill Orr has the
2 actual signed document. This was to acknowledge Chico
3 State's registration of the first CSU lead building. The
4 event was shown on local Chico news station, and I believe
5 it was also going to be shown in Redding.

6 And then we want to show a highlight of Hot Logs.
7 Board Member Jones attended this session, and it was kind
8 of to highlight the success of a local zone business. And
9 actually, that's going to be the first clip that Frank
10 shows. Thanks.

11 (Thereupon a video clip was played.)

12 DEPUTY DIRECTOR WOHL: Now we'll show the second
13 one on the CSUC lead building.

14 (Thereupon a video clip was played.)

15 DEPUTY DIRECTOR WOHL: I'd just like to thank
16 Public Affairs as well as the Board members that helped
17 participate and the Market staff. It was a good
18 collaboration, and we're getting our message out there.

19 So with that, if there's no questions, I'm ready
20 to start. Any comments? Okay.

21 The first agenda item is 15 or Committee Item C,
22 for fiscal year 2003/04, the recycling market development
23 revolving loan program is budgeted to fund 10 million in
24 loans. Last month the Board took action to set aside
25 \$1,850,000 from the RMDZ sub account for the loan

1 guarantee leveraging option, reducing the amount available
2 to lend to 2,342,445.

3 Today the Committee will consider one loan in the
4 amount of 2 million that will be funded from the RMDZ sub
5 account. If the Board approves this loan and it is fully
6 funded, there remains 492,445 available for future loans
7 this fiscal year.

8 And the first item is consideration of the
9 recycling market development revolving loan application
10 for Envision Plastics Industries, LLC. And Jim La Tanner
11 will present.

12 MR. LA TANNER: Good afternoon, Board members.
13 Members. This loan of 2 million will go to Envision
14 Plastics to use for onerous debt, working capital,
15 equipment purchase, machinery, et cetera. The project is
16 located in Chino, California within the Chino Valley RMDZ.

17 The Loan Committee will meet on Tuesday the 14th
18 to consider the repayability and collateral for the loan,
19 and the results will be presented at the Board meeting.
20 As a result of this loan, the company is projecting to
21 divert an additional 6,000 tons per year of plastic and
22 create an additional 15 jobs.

23 Loan staff recommends that the Committee approve
24 Option 1 and adopt Resolution 2003-463 to approve an RMDZ
25 to Envision Plastics Industries, LLC, in the amount of 2

1 million.

2 Next I'd like to have Sue Ingle from our
3 division's Plastics Technology Section say a few words
4 about the Waste Prevention and Market Development of their
5 product.

6 MS. INGLE: Good afternoon, Committee Chair, and
7 Committee members. My name is Sue Ingle. I'm with the
8 Plastic Recycling Technology Unit.

9 The recycling business provided by Envision is
10 very important to California's economy. They provide an
11 important role in closing the loop because they produce
12 post-consumer resins used for recycled manufacturing. The
13 Waste Management Board administers several programs that
14 rely on recycled resins to meet their mandates.

15 I brought some samples for clarification. The
16 HDPE natural, which are typically your milk jugs and your
17 water containers are recycled at Envision, and so are the
18 laundry detergent containers, which are called HDPE
19 colored. Envision takes these containers. They separate
20 them, grind, wash, dry, and pelletize them into recycled
21 resins. These resins are used in manufacturing new
22 containers and other goods. These are the resins that
23 they produce that are market ready.

24 About three years ago, staff from the Board had
25 the pleasure of touring the Eco Plas facility in Southern

1 California. Staff was very impressed with the efficiency
2 and dedication to recycling. We fully anticipate Envision
3 will reflect the same standard of production.

4 Another reason to support Envision is that over
5 the past four years several key recycling business have
6 either closed their doors or moved out of California. One
7 business that closed resulted in 95 percent of the PET
8 soda bottles being exported to the Pacific Rim.
9 California does not want this to happen with the HDPE feed
10 stock. Companies like Envision Plastics are necessary for
11 the Board's recycled content programs.

12 In conclusion, to help close the loop, we must
13 support companies like Envision to perform the services of
14 cleaning and pelletizing recovered materials for recycled
15 content products. Thank you.

16 MR. LA TANNER: With that, the owner of the
17 company is available should the Board members have any
18 questions.

19 CHAIRPERSON JONES: Any questions, members?

20 I've got a question for John Smith. I'm looking
21 at -- have we done business with this company in the past?

22 MR. SMITH: Eco Plas, a loan for a color sorter.

23 CHAIRPERSON JONES: Out of that same area?

24 MR. SMITH: Right.

25 CHAIRPERSON JONES: Did we have any issues

1 with -- was everything fine with that?

2 MR. SMITH: Right. They have been paying on
3 time. They have not missed a payment.

4 CHAIRPERSON JONES: Right. This isn't the one
5 where a check went to it and it was held -- this is --

6 MR. SMITH: Right.

7 CHAIRPERSON JONES: -- back in '99 or --

8 MR. SMITH: It was further back than that.

9 CHAIRPERSON JONES: -- '98.

10 MR. SMITH: Technically the check was released.

11 CHAIRPERSON JONES: Did we get that straightened
12 out?

13 MR. SMITH: They covered everything, with
14 interest. Right.

15 CHAIRPERSON JONES: Because it looks like this
16 loan is going to just replace existing loans.

17 MR. SMITH: Part of it is a retiring loan, and
18 Jim can provide more details on that.

19 CHAIRPERSON JONES: If the used machinery we're
20 looking at is collateral of a \$2 million loan on our part,
21 what's the value of that equipment that we're actually
22 taking in as collateral?

23 MR. LA TANNER: With this loan of 2 million, it
24 would be collateralized by a first financing statement on
25 the equipment in Chino with an appraisal at \$3.1 million.

1 The Chino facility also houses the color sorter that the
2 first loan was made, which was back in May '99. But
3 that's not included in this 3 million.

4 Their existing loan to Eco Plas was made May
5 27th, '99. They borrowed a million dollars. They only
6 needed \$700,000, and they turned around and gave us back
7 the other 300,000 which reduced the principal balance and
8 reamortized it. They made every payment as agreed, and
9 that loan is collateralized by the assets.

10 CHAIRPERSON JONES: We're in a UCC first position
11 on \$3.1 million worth of equipment.

12 MR. LA TANNER: We will be with this loan, yes.
13 We'll be the only creditor they have.

14 CHAIRPERSON JONES: Okay. All right. That's --
15 I remembered the name, and I remembered the issue and I
16 wanted to make sure that --

17 COMMITTEE MEMBER WASHINGTON: What was the issue?

18 CHAIRPERSON JONES: I think part of it was
19 mistakenly sending a check before the Board had voted on
20 concurring on a permit or something. I mean, it was some
21 convoluted --

22 MR. SMITH: The check went before the documents
23 were closed.

24 CHAIRPERSON JONES: The documents.

25 MR. SMITH: There were extended negotiations over

1 it, the documents.

2 CHAIRPERSON JONES: So that put everybody into a
3 panic. I knew it got resolved. I just wanted to make
4 sure before we took a step that we weren't looking at
5 something here --

6 MR. LA TANNER: That was resolved well before the
7 May '99 loan.

8 CHAIRPERSON JONES: All right. Any questions?

9 Ms. Peace.

10 COMMITTEE MEMBER PEACE: I would like to move
11 Resolution Number 2003-463, consideration of the recycling
12 market development revolving loan program application for
13 Envision Plastics Industry, LLC.

14 COMMITTEE MEMBER WASHINGTON: Second.

15 CHAIRPERSON JONES: We've got a motion by Ms.
16 Peace, a second by Mr. Washington.

17 Geannine, could you call the roll?

18 SECRETARY BAKULICH: Peace?

19 COMMITTEE MEMBER PEACE: Aye.

20 SECRETARY BAKULICH: Washington?

21 COMMITTEE MEMBER WASHINGTON: Aye.

22 SECRETARY BAKULICH: Jones?

23 CHAIRPERSON JONES: Aye.

24 Okay. This is contingent, like all of our loans
25 at this Committee, on approval of the Loan Committee;

1 correct, Ms. Peace?

2 COMMITTEE MEMBER PEACE: Uh-huh.

3 DEPUTY DIRECTOR WOHL: It will go forward as
4 fiscal consent, and the Board will vote.

5 CHAIRPERSON JONES: Based on the Loan Committee.
6 That's good. 3-0, FC.

7 DEPUTY DIRECTOR WOHL: Agenda Item 16, Committee
8 Item D, discussion and request for approval to notice for
9 45-day comment period proposed regulations regarding the
10 recycling market development zone program. And Corky Mau
11 will present.

12 RECYCLING MARKET DEVELOPMENT ZONE PROGRAM

13 SUPERVISOR MAU: Good afternoon, Board members. I'm Corky
14 Mau, Supervisor in the Recycling Market Development Zone
15 Program. I'm here to present Agenda Item D, which is to
16 request that the Board approve staff's desire to begin the
17 formal rule making process for regulations regarding the
18 RMDZ zone designation requirements. Specifically, staff
19 would like to submit the necessary documents to the Office
20 of Administrative Law, known as OAL, so they can publicly
21 notice these regulations for the 45-day period.

22 The proposed changes are basically cleanup in
23 nature. They have been drafted as a result of concerns
24 expressed by both zone administrators and staff to modify
25 existing regulations so they are more clearly stated and

1 reflect current practices. For the most part, many of the
2 proposed changes will streamline and more clearly clarify
3 the zone designation and redesignation processes.

4 Some changes are new. For example, pertinent to
5 the designation applications, applicants will now be
6 required to provide a statement that shows their
7 commitment to environmental justice and to administer the
8 local RMDZ program in a manner that is consistent with not
9 only the Board's EJ policies, but the requirements of
10 Public Resources Code Section 7110, Subsection A. This
11 particular section requires all CalEPA programs to be
12 conducted in a manner that treats all people fairly,
13 regardless of race or economic level. This newly proposed
14 language is a way to meet this requirement.

15 Another change addresses the process in which a
16 zone can voluntarily terminate its zone designation
17 status. Existing regulations do not address this issue.
18 The proposed language now allows a zone to do this at any
19 given time.

20 In our continuing effort to keep communication
21 lines open with our stakeholders, last July we sent a
22 draft of the proposed regulations to them. Only one
23 comment was received, from the Sacramento zone. The
24 comment did not substantially change the draft language,
25 and staff has discussed the comments with the particular

1 ZA. If the Committee concurs with staff that we initiate
2 the 45-day comment period this month, it is anticipated
3 that we would bring another agenda item before the Board
4 by January of 2004 which would be seeking final approval
5 of the whole regulation package.

6 In closing, I'd like to respond to a question
7 that recently came from Mr. Washington's office. The
8 question was to qualify the word "days" that is located
9 throughout the regulations. While we do not consistently
10 state this throughout the program regulations, what we do
11 intend is that it means calendar days. If the Committee
12 wishes, we would amend the language accordingly and do
13 this before we submit our formal request to OAL.

14 This concludes my presentation, and I'd be happy
15 to answer any questions you might have.

16 CHAIRPERSON JONES: Mr. Washington, do you want
17 that changed to calendar days?

18 COMMITTEE MEMBER WASHINGTON: Yeah.

19 CHAIRPERSON JONES: Just change it to calendar
20 days.

21 Is that okay with you, Ms. Peace?

22 COMMITTEE MEMBER PEACE: Uh-huh.

23 CHAIRPERSON JONES: Okay. Anything else?

24 COMMITTEE MEMBER PEACE: I just had another
25 little thing on 16-8 it says, "Do I have to submit a

1 regular report?" And it says, "Yes, by March 31st." Did
2 you want to leave in there "by March 31st of each year" to
3 keep that consistent?

4 RECYCLING MARKET DEVELOPMENT ZONE PROGRAM

5 SUPERVISOR MAU: Yeah. What that means is -- actually, is
6 it March 31st to submit the report?

7 COMMITTEE MEMBER PEACE: Yes. The question is,
8 "Do I have to submit regular reports?" And then it says,
9 "Yes," and it's crossed out "each year on the anniversary
10 date of your final designation." You added, "Yes, by
11 March 31st." Do you still have to do that every year?

12 RECYCLING MARKET DEVELOPMENT ZONE PROGRAM

13 SUPERVISOR MAU: Yes. We would like to do that every
14 year. And it would be beneficial for us to collect the
15 statistics early in the calendar year to do that. So yes,
16 we would like to do that in the first quarter.

17 BOARD MEMBER PEACE: Do you think you should add
18 that in to keep it --

19 DEPUTY DIRECTOR WOHL: You're asking to add back
20 "each year" or whatever?

21 COMMITTEE MEMBER PEACE: Yeah. Just to keep it
22 clear and consistent.

23 RECYCLING MARKET DEVELOPMENT ZONE PROGRAM

24 SUPERVISOR MAU: We'll make those two changes, one to
25 qualify the calendar days, and the second one to add in

1 "each year."

2 CHAIRPERSON JONES: Anything else?

3 I don't have any speaker slips on this. Are
4 there any ZAs here that want to speak to this issue?

5 All right. This is not asking for a motion.

6 It's just asking for direction. I think we ought to send
7 it out for 45 days. All right. Go ahead.

8 RECYCLING MARKET DEVELOPMENT ZONE PROGRAM

9 SUPERVISOR MAU: Thank you.

10 DEPUTY DIRECTOR WOHL: Agenda Item 17, Committee
11 Item E, consideration of the 2003 WASTE reduction awards
12 programs WRAP of the year winners. And Piper Miguelgorry
13 will present.

14 MS. MIGUELGORRY: Good afternoon, Mr. Chair and
15 Board members.

16 This item is before you to seek approval of the
17 proposed 2003 WRAP of the year winners. The list of ten
18 businesses was taken from our 2137 winning businesses
19 approved by the Board last month. And all these winners
20 are candidates for the WRAP of the year category.

21 A Cross Divisional Selection Committee was
22 determined to discuss the candidates. The panel was made
23 up of Board member staff, the Office of Public Affairs,
24 the Waste Prevention and Market Development, and the
25 Division -- I'm sorry -- Diversion, Planning, and Local

1 Assistance Office.

2 These businesses were selected based on a wide
3 range of criteria, and considerations such as the quality
4 of their WRAP applications, high scores, years as a WRAP
5 award recipient, and their innovative and aggressive waste
6 reduction activities.

7 From a short list of 30 businesses, again taken
8 from the original 2137 winners, the selection evaluation
9 Committee approved the following ten businesses, the
10 American Licorice Company based in Alameda County; the
11 Blue and Gold Fleet, San Francisco County; City of Hope
12 National Medical Center and Beckman Research Institute in
13 Los Angeles; Community Environmental Counsel in Santa
14 Barbara County; East/West Partners, Nevada County; Hitachi
15 Automotive Products in Los Angeles; HP, San Diego; The
16 Environmentalists; the Interior Services Company of DuPont
17 Textiles and Interiors in San Mateo County; Toyota North
18 American Part Center in San Bernardino County; and last
19 but not least, Turtle Bay Exploration Park in Shasta
20 County.

21 There are nine counties represented here, and
22 upon approval, staff will begin working with the Office of
23 Public Affairs and the Board members' offices to determine
24 award presentation event dates. We encourage all the
25 members of the Board to attend these events. And staff

1 recommends that the Board members approve the list of ten
2 proposed 2003 WRAP of the year winners and adopt
3 Resolution Number 2003-465.

4 I'll be happy to respond to any questions. Thank
5 you.

6 CHAIRPERSON JONES: Questions, members?

7 Who's making this motion? All right.

8 Mr. Washington.

9 COMMITTEE MEMBER WASHINGTON: Thank you,
10 Mr. Chair.

11 I'd like to move adoption of Resolution 2003-465,
12 consideration of the 2003 waste reduction award program
13 WRAP of the year award winners.

14 COMMITTEE MEMBER PEACE: Second.

15 CHAIRPERSON JONES: We've got a motion to approve
16 Resolution 2003-465 by Mr. Washington, a second by Ms.
17 Peace. Substitute the previous roll. On consent. I
18 think we're going to put this consent.

19 Ms. Nauman, maybe you could tell Mark in the
20 Director's report just to make a reference to the list of
21 the ten in his Director's report to the Board, rather than
22 have the agenda item. Okay.

23 MS. MIGUELGORRY: Thank you.

24 COMMITTEE MEMBER WASHINGTON: Keep up the good
25 work, Piper. She makes sure when we go to a WRAP program

1 that we know everything we're supposed to be doing, and
2 she gets us out of eating tofu and all that. Keep up the
3 good work.

4 MS. MIGUELGORRY: Sorry. No tofu this year.

5 CHAIRPERSON JONES: She always keeps me informed,
6 but she knows better than to offer me tofu.

7 MS. MIGUELGORRY: Just Hot Logs.

8 COMMITTEE MEMBER WASHINGTON: She hooked me
9 because I was here a week and made me go do that thing.

10 DEPUTY DIRECTOR WOHL: Our last item is Agenda
11 Item 18 or Committee Item F, public hearing and
12 consideration of adoption of regulations regarding
13 assessment of administrative civil penalties against
14 product manufactures for noncompliance with the rigid
15 plastic packaging container RPPC law. And Michelle
16 Marlowe will present.

17 MS. MARLOWE: Good afternoon, Board members,
18 Chairman Jones.

19 This is what we hope is the last step in the
20 formal rule making process for this small package of
21 cleanup regulations. I was here in August asking for
22 permission for a 45-day public comment period which ended
23 last evening at 5:00 o'clock, and we received no formal
24 comment during the 45-day comment period or any of the
25 meetings with interested parties proceeding the formal

1 comment period.

2 These regulations, some of you may recall, are
3 really to add some clarity to existing regulations
4 regarding noncompliance with the RPPC law by specifying
5 violations and an associated range of penalties in an
6 attempt to provide infrastructure for the assessment of
7 fines for noncompliance. And we focused -- based on our
8 experience with three certifications, we focused on
9 certifying late submittal of compliance packages and
10 incomplete submittals as violations with certain penalties
11 in an attempt to speed up the process in any future
12 certification cycles that we might be doing.

13 So with that said, I request that the Board take
14 action now by formally opening a public hearing for the
15 purpose of receiving comment on these proposed
16 regulations. And if there are no comments received, to
17 formally close the public hearing and direct staff to
18 proceed with Option 1.

19 CHAIRPERSON JONES: Okay. Actually, I think this
20 is the public hearing. Are there -- I have no speaker
21 slips, so I'm assuming -- does anybody want to speak to
22 this issue? All right.

23 Then Ms. Peace has some comments.

24 COMMITTEE MEMBER PEACE: I have one comment,
25 considering this is a cleanup. On page 18-7 under B,

1 violations and penalties, B, I assume that you were going
2 to change the periods there after the 100 and after the 50
3 to commas.

4 MS. MARLOWE: I'm sorry. Is it 17949 B?

5 COMMITTEE MEMBER PEACE: 17949, violations and
6 penalties, and the B section.

7 MS. MARLOWE: "What may result if I do not comply
8 with the program requirements?"

9 COMMITTEE MEMBER PEACE: "Any violation of public
10 offense is punishable by a fine not to exceed" -- I
11 believe that should be a comma. So that will be corrected
12 in the line under that with the 50?

13 MS. MARLOWE: Thank you. Yes. Thanks for
14 noticing.

15 COMMITTEE MEMBER WASHINGTON: We want to make
16 sure they don't think they can get away with 100 bucks and
17 not 1,000.

18 MS. MARLOWE: We'll make that correction.

19 CHAIRPERSON JONES: All right. Looking for a
20 maker of the motion.

21 COMMITTEE MEMBER PEACE: Okay.

22 CHAIRPERSON JONES: Ms. Peace.

23 COMMITTEE MEMBER PEACE: I'd like to move
24 Resolution 2003-466, public hearing and consideration of
25 adoption of regulations regarding assessment of

1 administrative civil penalties against product
2 manufacturers for noncompliance with the rigid plastic
3 packaging container law.

4 COMMITTEE MEMBER WASHINGTON: Second.

5 CHAIRPERSON JONES: We've got a motion by Ms.
6 Peace, a second by Mr. Washington. Would you please
7 substitute the previous roll.

8 And this does -- we're saying that we are
9 statutorily exempt on CEQA so we only need this one item?

10 DEPUTY DIRECTOR WOHL: And I think per legal we
11 can put it on consent.

12 CHAIRPERSON JONES: Okay. So per the desire of
13 this Committee -- do you want to put it on consent? We
14 can put it on consent, and if somebody wants to pull it,
15 we'll pull it.

16 MS. MARLOWE: Thank you.

17 CHAIRPERSON JONES: All right. Is that fine,
18 members? Are you cool with that? All right.

19 We're going to take about five or ten minutes
20 before we start dot on the map. And then that's the only
21 item.

22 I do want to -- before we break for that,
23 Mr. Orr, the report that we did with health services about
24 indoor air quality and those types of things from recycled
25 content materials, this was funded by the Waste Board to

1 do testing. There are some issues that came about when we
2 got ready to accept that award. Some of those issues that
3 we all feared might be happening, in fact, are happening.

4 DGS is quoting part of our report as reasons not
5 to buy certain material types. I think that we need to
6 have a -- you need to be thinking about having a
7 discussion item at this Board. We may need to look at
8 some of the parameters around some of that testing and
9 figure out what we're going to do. At least let's have a
10 forum and let the people that are being affected
11 negatively by some of the testing criteria -- whether it
12 wasn't actually a set criteria are now paying the price
13 for it, which is what we were afraid of. But there was
14 supposed to be a disclaimer that said they couldn't rely
15 on this report for that data and they are. People are
16 relying on it to destroy other businesses.

17 So we can talk about it, but I'd like to start
18 working on having an item on this where we can let the
19 people that are being affected -- we've got to set the
20 record straight or at least hear from these people what
21 the record is or where the problems are.

22 Is that reasonable, members?

23 It was done for all the right reasons.
24 Unfortunately, what we were afraid of prior to voting for
25 that thing was that people would use it out of context.

1 And it's being used out of context, and people's
2 businesses are suffering. And it's also given people outs
3 not to buy recycled content. So that's not what the goal
4 of the report was. So I think we need to talk about
5 having a workshop on that to try to see if we can't get
6 that straightened out with Health Services, DGS, and the
7 stakeholders, if it's okay with my colleagues.

8 COMMITTEE MEMBER PEACE: Yes.

9 COMMITTEE MEMBER WASHINGTON: Yeah.

10 CHAIRPERSON JONES: Thanks. We'll break until
11 quarter after, and then we'll start the dot on the map.

12 (Thereupon a recess was taken.)

13 CHAIRPERSON JONES: We're going to reconvene.

14 Members, any ex partes?

15 COMMITTEE MEMBER PEACE: No. I have none.

16 CHAIRPERSON JONES: Mr. Washington.

17 COMMITTEE MEMBER WASHINGTON: I'm up to date.

18 CHAIRPERSON JONES: So am I.

19 DEPUTY DIRECTOR SCHIAVO: Pat Schiavo, Diversion,
20 Planning and Local Assistance Division.

21 I'd like to start off by presenting what's going
22 on in our education program. Our Office of Local
23 Assistance staff and the Office of Integrated
24 Environmental Education and our consultant are working
25 together to complete joint work plans with school

1 districts that are part of our environmental ambassador
2 program. We'll be performing this task through the month
3 of October where we'll complete work plan tasks through
4 June of 2005 and our budgets as well. That's moving
5 forward.

6 Regarding implementation of SB 1374, that is our
7 construction and demolition ordinance program. We're
8 working with local jurisdictions to find out which
9 jurisdictions have implemented ordinances and what their
10 experiences have been and getting examples of those so we
11 can use those. We're going to be conducting a workshop in
12 November. We don't have the specific date yet, but that
13 will be coming forth shortly. Once we get that date set,
14 we would like to have representatives of local
15 jurisdictions and other interested parties to solicit
16 input from them so we can figure out what to incorporate
17 in the model ordinances. Once we get the model ordinances
18 established, we want to put them on our website and
19 provide to dos and how tos for implementing, monitoring,
20 and enforcing the construction demolition programs.

21 Regarding the disposal reporting and adjustment
22 methodology regulations, since November 2003 we've gone
23 through two informal regulation packages. We've also had
24 numerous public workshops in Northern and Southern
25 California, received quite a bit of input. And through

1 this process, we've been able to resolve many issues. We
2 still have a few outstanding issues. But we'll be
3 bringing forward to the Board in November our package for
4 approval by the Committee to start the formal regulatory
5 process in our 45-day public noticing.

6 And regarding SB 1066, our time extension
7 program, we will have 80 extensions that will be due
8 December 2003. So we'll be getting the evaluation process
9 soon thereafter. And just to give you a heads up, there's
10 60 that are also due December 2004. So that's quite a
11 ways off, those other 60.

12 And then AB 75, our state agency diversion
13 program, there's 151 that are currently reviewed and just
14 now going through supervisory oversight. There's 25 that
15 our staff are working on right now. There's 28 that have
16 been approved and submitted to the Board regarding what
17 their diversion implementation efforts have been. And
18 there's still 13 state agencies that are outstanding. And
19 I don't mean doing a good job, but we haven't seen them
20 yet.

21 And that concludes my report. Any questions?

22 CHAIRPERSON JONES: Any questions, members?

23 COMMITTEE MEMBER PEACE: No.

24 CHAIRPERSON JONES: All right. Mr. Schiavo.

25 (Thereupon an overhead presentation was

1 presented as follows.)

2 DEPUTY DIRECTOR SCHIAVO: I'd like to thank
3 everybody for attending today's workshop regarding
4 conformance findings, once again. We've gone through
5 quite a few of these in the last few years.

6 And I'd like to also mention at the table in the
7 back of the room there's hard copy versions of these
8 slides. So if it's more convenient for you utilize those.

9 Today's workshop is going to consist of a brief
10 historical overview. That will be followed by several
11 questions that will be presented to audience members. And
12 we would like you to respond. And when you respond, be
13 concise and on point regarding the questions that are
14 posed to you. If you would like to comment on something
15 that is not specific to the questions that are in the
16 initial four slides, there will be an opportunity on the
17 fifth slide where we have the closing comments and other
18 discussion.

19 And for your convenience rather than having to
20 move up to the mic every time you want to respond to one
21 of the slides, Catherine Cardoza will be the roving
22 reporter with the microphone. So just raise your hand
23 when you want to respond to one of the questions, and
24 Katherine will come up to you with the microphone. Are
25 there any questions regarding anything at this point?

1 Okay.

2 CHAIRPERSON JONES: Mr. Schiavo, I've got a
3 couple of people that have filled out speaker slips, Kevin
4 Williams from Stanislaus County and Jocelyn Reed from the
5 city of Modesto. But Mr. Williams has given a letter to
6 this Committee that they want included in the record, so
7 we need to deal with that.

8 --o0o--

9 DEPUTY DIRECTOR SCHIAVO: Okay. I would like to
10 just begin by providing a brief historical background, and
11 this will be very brief.

12 During the year 1999, Board staff conducted two
13 workshops dealing with the conformance finding process.
14 The major issue at this time was interpretation of PRC
15 Section 50001 of statute. Specifically, when is a permit
16 in conformance with the siting element or nondisposal
17 facility element, and furthermore, identification of the
18 location of a proposed new or expanded facility enough for
19 a permit to be found in conformance, or should the
20 facility description in the permit match the facility
21 description in the application?

22 As a result of the workshops, a vast majority of
23 participants believe that location identification is what
24 was intended. And based upon Board analyses of the issues
25 and stakeholder input, the Board approved the use of

1 location identification for conformance findings.

2 --o0o--

3 DEPUTY DIRECTOR SCHIAVO: And you can see here in
4 the resolution -- and specifically the underlined section
5 in the resolution it talks about either by facility
6 address or general location on a map. And it does talk in
7 terms of description. It shall not include the review of
8 description.

9 --o0o--

10 DEPUTY DIRECTOR SCHIAVO: Since that time in
11 September of 2000, the Board has heard many issues related
12 to conformance findings or specific permits addressing
13 that issue. And it's been done on a case by case basis
14 successfully to this point. The concern staff raised is
15 that in the future there are going to be a few
16 circumstances coming forward, and we just wanted to have
17 some more information regarding this process.

18 --o0o--

19 DEPUTY DIRECTOR SCHIAVO: Regarding local public
20 hearings, we acknowledge most landfill expansions require
21 local public hearings as part of the permitting process.
22 And the scenarios that usually this applies to are
23 disposal footprint increases, permitted boundary
24 increases, tonnage capacity increases, and there are other
25 examples as well. But these seem to be the primary

1 circumstances when we deal with the issue.

2 --o0o--

3 DEPUTY DIRECTOR SCHIAVO: So we'd like to start
4 out with the first set of questions. And again, this
5 focuses on the public hearing process. There's three
6 parts to it. How is a potentially impacted community
7 defined? What local public noticing is required for the
8 potentially impacted community? And what opportunities
9 are available for potentially affected parties to be
10 included in the hearing process?

11 So you can address all three of these questions
12 or any part you would like, but please raise your hand in
13 response. We've got to have some people, unless I
14 volunteer you to respond.

15 MR. WHITE: Chuck White with Waste Management.

16 These are all good questions. It seems to me,
17 though, that we've got this legislation that's pending the
18 Governor's signature, which is AB 1497, that answers many
19 of these questions or certainly provides the Board with
20 the authority to go through a rule making. And I think as
21 part of the P&E Committee there was an item that was just
22 heard on how should some of the decisions that were made
23 on the C&D rule making package be extended to other
24 packages, and that included public notices and hearings
25 and this sort of thing.

1 So I mean, I think most of us agree there needs
2 to be some improvement to respond to community concerns as
3 a result of significant changes. We view the Montanez
4 Bill, that I presume is going to be signed by the
5 Governor, would really go a long ways to require any
6 significant change to any solid waste facility to be
7 accompanied by a public notice and a public hearings
8 process. And I would think that would do everything you
9 would need and more for purposes of this subject we're
10 talking about today. And that bill does layout -- it
11 certainly -- the size of the community, the distance of
12 public notices or provides the Board the ability through
13 rule making to make adjustments to that, if necessary.

14 DEPUTY DIRECTOR SCHIAVO: Would you like to
15 convey what some of the key points are for people in the
16 audience?

17 MR. WHITE: Of?

18 DEPUTY DIRECTOR SCHIAVO: The Montanez Bill.

19 MR. WHITE: Well, it says, "Before making its
20 determination, the enforcement agency shall submit the
21 proposed determination to the Board for comment and hold
22 at least one public hearing on the proposed determination.
23 The enforcement agency shall give notice of the hearing
24 pursuant to Government Code Section" -- talks about it's
25 more than 300 feet. It provides the Board with authority

1 to adopt further regulations defining what would be the
2 extent of public notice, defining community.

3 I would argue and suggest that the Board ought to
4 be viewing this process established by the Montanez Bill,
5 assuming it's signed, to be the mechanism for making sure
6 that there's full and complete public disclosure, notice,
7 and public hearings. And it shouldn't be tied into as
8 part of the planning documents at all. The permitting
9 process should be the one that provides all of this notice
10 that you know would be required.

11 CHAIRPERSON JONES: I'm going to ask a follow-up
12 question. That bill, does it define significant change?

13 MR. WHITE: I can't recall if it defines
14 significant change.

15 CHAIRPERSON JONES: The answer is no, it doesn't.

16 MR. WHITE: I don't believe it does.

17 CHAIRPERSON JONES: It says "significant change."
18 And it leaves the one issue that has never been addressed
19 since -- well, probably since '75. I mean significant
20 change means a lot of different things to a lot of
21 different people.

22 MR. WHITE: I just can't -- from my other
23 perspective, I can't imagine the kind of issues we're
24 concerned about here would not be considered to be a
25 significant change. If it's that kind of expansion, for

1 example, of a landfill that would trigger the hearing
2 process, so you wouldn't need to do a duplicative notice
3 or hearing process as part of this conformance finding
4 issue. It's going to be -- I just can't imagine a
5 situation, Mr. Jones, where it wouldn't be adequately
6 addressed.

7 CHAIRPERSON JONES: Time will tell.

8 Ms. Peace.

9 COMMITTEE MEMBER PEACE: From what I understand
10 here is that in the Montanez Bill 1497, it says it
11 "requires the California Integrated Waste Management Board
12 to adopt regulations defining 'significant change' in the
13 design or operation of a solid waste facility that is not
14 authorized by the existing permit." But then it also
15 stipulates that "the local enforcement agencies must hold
16 at least one public hearing when considering a permit
17 revision." So maybe we need some clarification. But I
18 understand it to mean any time there's any permit revision
19 that there would have to be a public hearing.

20 CHAIRPERSON JONES: Yes.

21 COMMITTEE MEMBER PEACE: Then we need to come up
22 with some guidelines on what is meant by "a significant
23 change in the design or the operation."

24 MR. WHITE: My only point was not -- we shouldn't
25 be focusing -- my opinion, we shouldn't be focusing on a

1 hearing and public notice process as part of the planning
2 and conformance finding process. We ought to be focusing
3 on that as part of the permitting process. That's where
4 the hearings and public notices should rightfully occur in
5 that part -- have a separate, secondary, duplicative
6 planning process that would require the same thing.

7 MR. WILLIAMS: Good afternoon. Kevin Williams
8 from Stanislaus County. Thank you for holding this
9 workshop today. I think this is really appropriate.

10 I have to agree with the speaker that says it
11 should be part of the permitting process and not part of
12 the planning process. Generally speaking, landfill
13 expansions are a discretionary project under CEQA and
14 triggers the California Environmental Quality Act,
15 including public hearings. It includes general plan
16 conformance findings or use permits, which was also
17 conducted under a public hearing atmosphere. It also
18 required in Stanislaus County approval of the project by
19 the Board of Supervisors and thorough evaluation of the
20 project at the local level.

21 There's absolutely no question that the public
22 needs to be fully informed of the project, but I think it
23 should be part of the permitting process and not the
24 planning process. The countywide siting element is not
25 the venue to be used to hold up an expansion of a

1 landfill. If the facility is located, as is shown in the
2 September 2000 resolution, that is by location, the
3 identification, the CEQA process will get into all the
4 details of the project and provide the public input that's
5 needed.

6 DEPUTY DIRECTOR SCHIAVO: Let's not assume that
7 the bill is going to be signed, and let's focus back on
8 the questions because we don't have any assurances it will
9 be signed. I mean, that's speculation at this point in
10 time.

11 But when you get into dealing with conformance
12 findings and this whole process, one of the key tenants is
13 proper notification of the people in the county that are
14 going to be notified. And what we're looking at is, is
15 this process duplicative of what is already taking place
16 in the permitting process? And the conformance finding
17 process, as it is developed right now, is looking at if
18 there is no noticing, then it fills the gap in a sense.

19 So let's get back to -- I want to find out, how
20 is the potential impacted community defined during this
21 permitting process? Okay. Nobody.

22 What local public noticing is required for the
23 potentially impacted community?

24 MR. WILLIAMS: Again Kevin Williams from
25 Stanislaus County.

1 Again, under CEQA there are noticing
2 requirements. I believe one of the ways you can notify
3 the community is to put a notice -- a legal notice in a
4 newspaper general circulation within the county. And we
5 certainly do that on CEQA type projects. And this is also
6 agendized, and the information gets out through an agenda
7 that is posted for everyone to see.

8 CHAIRPERSON JONES: Mr. Schiavo, are we assuming
9 that this question is in regards to the expansion of an
10 existing site?

11 DEPUTY DIRECTOR SCHIAVO: That's what it is.

12 CHAIRPERSON JONES: Okay. I mean, we're looking
13 at this as the expansion of an existing site. It's Board
14 policy for dot on a map that it was at that location
15 contiguous. I think some of the -- very much like the
16 discussion about what's a significant change when it comes
17 to a permit, I think under a siting element what is an
18 expansion of an existing site. And I think that we need
19 to, as a public policy organization, talk about the issues
20 about not so much the expansion of a contiguous site where
21 they are linked directly, because that could be anything
22 from hundreds of feet to hundreds of acres where it would
23 seem to me as we had testimony from folks in Stanislaus
24 County on our environmental justice issue at last month's
25 Board meeting -- it seems to me that they were very clear

1 that this local community needed to be aware of anything
2 going on locally.

3 But you know, I hold that if -- and I have the
4 letter from Mr. Williams or from his boss that refers to a
5 map, but you know, I've seen copies of about six maps. So
6 I don't think that flies. I mean, I don't think you can
7 keep writing maps and saying it's contiguous unless it's
8 really contiguous. I think that's what the public hearing
9 is about.

10 Because I'll fight all day long that if it's
11 right next -- if it's all part of that same parcel, that
12 same location, that it makes sense. But when we start
13 moving away, the public needs to know that's another
14 location. And how do we address those issues? Because
15 that's where we're going to be held to scrutiny from the
16 public is when we start removing -- or start putting
17 continued operations not contiguous to landfill, not
18 butted up against existing land, but removed by parcels,
19 where we're looking at two sites in that case.

20 So this has got to be a policy that sort of
21 reaches all of those things, and I don't think it was
22 something that -- I think we made it pretty clear when we
23 were talking about dot on a map. But others, you know,
24 very much like significant change, don't seem to see it
25 that way. So I think we ought to be talking about these

1 questions in that kind of a context, you know.

2 MS. REED: My name is Jocelyn Reed. I'm the city
3 of Modesto Solid Waste Manager.

4 I think one of the things that is becoming a
5 little bit clearer to me is there is this question of the
6 significance of the expansion, and that would to me and,
7 you know, from our perspective not only include expansions
8 that were not necessarily contiguous or that were sort of
9 away, but expansions that are significant increase in size
10 and throughput. And I'm not saying that you couldn't, you
11 know, increase the throughput of a facility without
12 expanding the boundaries. But when you're talking about
13 making a very large change to a landfill -- in our
14 particular case, one that isn't designed for the
15 accommodation of our local garbage, but for potentially
16 the importation of garbage, that is something that the
17 public really requires notice of.

18 And that we thought and we still believe was the
19 original purpose of including a map in the '95 siting
20 element. We were going to select the size. We were going
21 to select the location, you know, adjacent to our existing
22 landfill, but the size was an important issue.

23 The other thing is with the public noticing, you
24 know, in this particular instance -- in the instance of
25 Stanislaus County, the legal requirements for noticing of

1 the initial acquisition of property for a landfill
2 expansion was a very small legal ad in the back of our
3 local paper. And most of the public really hadn't a clue
4 of what was being proposed at this time.

5 So I really think that, you know, it is important
6 for public noticing to, you know, be clear and concise and
7 show what they're really intending to do, rather than just
8 saying, "Oh, well, we're going to expand it." And it's
9 got to be more specific from our perspective. It's got to
10 show where the boundaries are, and it's got to give the
11 general public an idea of the magnitude of what's being
12 proposed.

13 CHAIRPERSON JONES: If in your original '95
14 siting element you identified Fink Road and you said,
15 "This is going to be the landfill for the County of
16 Stanislaus," and then they decided to add a certain amount
17 of acreage, and that would end up going through the local
18 process, go through CEQA, right, if it was contiguous?

19 MS. REED: Right. Except that at the time the
20 '95 siting element was adopted it did go through CEQA. In
21 our case it went through a negative declaration process
22 and we were looking at 300 acres. And then five, six
23 years later we're looking at a landfill with a footprint
24 of 1,000 acres and a throughput --

25 CHAIRPERSON JONES: But that didn't happen.

1 MS. REED: It hasn't happened yet.

2 CHAIRPERSON JONES: So the system worked.

3 MS. REED: Well, it is a concern of ours.

4 CHAIRPERSON JONES: But the system worked, right,
5 because they're not at 1,000 acres?

6 MS. REED: Right. At this point.

7 CHAIRPERSON JONES: But let's just for the sake
8 of argument -- and I'm sorry we're using Fink Road because
9 that's going to deter from the discussion, I think. But
10 let's say for the sake of argument Fink Road was taking in
11 so much waste and they wanted to add ten acres. And you
12 as a city ran a landfill down the road and you had enough
13 capacity for all the garbage, do you think you, as a city,
14 have the right to stop them from expanding in that ten
15 acres because you have the majority of the residents?

16 MS. REED: No. I don't believe we have that
17 as -- I don't think that's the same type of example. I
18 think that the magnitude we're talking about --

19 CHAIRPERSON JONES: It's the question I'm asking.
20 I said forget about the magnitude. That's already been
21 dealt with.

22 What I'm asking you is Fink Road wants to expand,
23 let's say, next door for ten acres or 100 acres. You
24 compete with them as the city of Modesto. You have a
25 competing landfill. Do you see a problem in the fact that

1 the ability -- because the majority of the residents are
2 in Modesto, do you see a problem with you being able to
3 hold up their expansion?

4 MS. REED: If it met the requirements of the
5 statute which says it has to have an impact, yes, and it
6 had an impact, that would be a point in which we should
7 have a voice in that decision. A landfill, you know,
8 being put in and expanded could have a very large impact
9 on our recycling programs because cheap disposal is a
10 disincentive to waste reduction. We've also invested in a
11 waste to energy facility to further reduce our waste.

12 So there are -- it would depend on what was being
13 proposed. We don't have a landfill in Modesto. We don't
14 intend to have a landfill in Modesto. We're looking at
15 other alternatives for our garbage long term. But a large
16 expansion of a landfill beyond what we ever contemplated
17 in the '95 siting element would have an impact on us.

18 CHAIRPERSON JONES: Go ahead, Mr. Williams.

19 MR. WILLIAMS: Kevin Williams, Stanislaus County.

20 I request we don't get down into the weeds on
21 this Fink Road Landfill issue. I hope we can stay a
22 little bit more global, rather than trying to figure this
23 out at this Committee.

24 I want to say for the record we are not going to
25 be importing garbage. And I'd always like to say for the

1 record that the city of Modesto is exporting garbage to
2 San Joaquin County.

3 CHAIRPERSON JONES: Schiavo, keep going.

4 DEPUTY DIRECTOR SCHIAVO: Okay. Any more
5 responses to these three questions regarding public
6 noticing, you know, regarding the opportunities available
7 for the affected parties to be included in the hearing
8 process or any of the areas?

9 MR. WILLIAMS: One other clarification I'd like
10 to do is that when the land was purchased for adjacent to
11 and contiguous with the Fink Road Landfill, it was noticed
12 in the paper, and there were full public hearings about
13 that purchase. I don't want you to be left with the
14 impression that only a legal notice went in the back of a
15 newspaper.

16 CHAIRPERSON JONES: Schiavo.

17 DEPUTY DIRECTOR SCHIAVO: Any more questions,
18 comments? Okay. We'll move on to the next slide.

19 --o0o--

20 DEPUTY DIRECTOR SCHIAVO: What are the benefits
21 to requiring a countywide siting element amendment for
22 expansion and the corresponding public noticing
23 requirement?

24 We'll just go ahead to the next one as well as so
25 we can get both sets of comments.

1 And what are the concerns with potentially
2 requiring a CSE amendment for expansion and associated
3 public noticing requirements? Okay.

4 MR. WILLIAMS: One concern that I have -- again,
5 Kevin Williams from Stanislaus County -- is the majority
6 approval rule. In our county, one jurisdiction has the
7 ability to block an expansion or a CSE amendment. And I
8 know that there's a requirement for a nexus for, you know,
9 disapproving that to significant real impacts on a
10 jurisdiction. And I think that needs to be clarified.

11 COMMITTEE MEMBER WASHINGTON: What is the
12 requirement to approve? You say that one jurisdiction can
13 overrule another one. What's the requirement for everyone
14 to come together?

15 MR. WILLIAMS: My understanding is the cities
16 with the majority of the population have to approve the
17 amendment. So if one of those cities has the majority of
18 the population, then they can block the amendment.

19 Now, further on in the Public Resource Code it
20 states such blockage must be related to a significant
21 impact on that jurisdiction. And I think that needs to be
22 clarified because a jurisdiction could just claim certain
23 impacts, perhaps, which would allow it to be blocked. And
24 then for us to get it to go forward, we have to take it to
25 court. So that would be a good thing to clarify that.

1 DEPUTY DIRECTOR SCHIAVO: No more comments
2 regarding these two slides and the benefits or the
3 negative impacts regarding majority/majority or public
4 noticing?

5 MR. PIRIE: Greg Pirie, Napa County LEA.

6 It seems like once you get to the site element or
7 decision making into -- what I would assume would be
8 taking place at the local task force. It seems like you
9 might be jumping the gun in getting to more of a -- you
10 know, more of the permitting issue at that time instead of
11 more of the planning to where you may have a lot of
12 questions coming from the public, but I can't see, you
13 know, like our local task force being able to answer the
14 questions. And even if they were, in terms of how the
15 process might happen or where the site may be located,
16 they may have an answer given to the public at that time.
17 But once you get to the permit process and get specific,
18 whatever answer was given before could definitely change,
19 and they may have a different viewpoint. That's the
20 difference between the permit process taken into what I
21 would see as more of a planning process previously.

22 MR. WHITE: Chuck White with Waste Management.

23 It seems to me that this -- the conformance
24 finding and the dot on the map issue, I mean, the
25 legislation and the previous Board action has indicated as

1 long as the address or general location is identified,
2 then the facility can expand. I'm not even convinced it
3 needs to be a contiguous piece of property as long as it's
4 intended to be the same facility.

5 And it shouldn't be a concern as long as there
6 has been public notice and there has been opportunity for
7 public hearing. I think that has been for the most part
8 adequately provided under existing law through the CEQA
9 process. There has been a lot of discussion this last
10 year about the need to beef up that process with respect
11 to the solid waste facility permit.

12 I mentioned AB 1497 which is yet to be signed.
13 We assume it will be signed. But even if it's not, the
14 Board is separately considering beefing up the public
15 notice and hearing process through the exercise initiated
16 by the P&E Committee related to the C&D regulations and
17 the need to extend the C&D requirements, the other
18 permitting requirement.

19 So it seems to me that the issue with respect to
20 public notice with respect to public hearings are going to
21 be addressed adequately if they're not already being
22 adequately addressed through the CEQA process. They're
23 going to be adequately addressed down the road in the
24 permitting process either by the implementation of AB 1497
25 or, if for some reason it doesn't get signed, then through

1 actions of this Board through the P&E Committee to make
2 adjustments to the regulations to enhance the public
3 notice and public hearing process through the permitting
4 process.

5 So I guess the bottom line from our perspective
6 would be that there really isn't a need to focus on
7 something more on the planning side of activities because
8 any adjustments to the current process can be more than
9 adequately handled on the permitting side. I would
10 certainly encourage this Committee and the Board to pursue
11 that on the permitting side rather than planning side.

12 MS. AFSHARI: I'm Shari Afshari with the County
13 of Los Angeles, Department of Public Works.

14 I should concur with Mr. White. I believe that
15 our CEQA process as part of permitting will provide
16 adequate notification to the public and would give them
17 chance to be able to understand the scope of the project
18 and to provide comments and concerns which can be
19 addressed at the time of the CEQA process.

20 But we overall believe that requiring an
21 amendment to our siting element when there is a change in
22 the property boundary or some similar situation would
23 significantly impede our efforts to provide the disposal
24 capacity because of what it takes to actually get the
25 amendment to the siting element, which as I provided

1 comment in July, it's a lengthy process. And for a county
2 our size that is 89 jurisdictions, that's nearly one-third
3 of the population of the state, it takes two years -- over
4 two years and almost \$250,000 cost to be able to amend
5 that document.

6 In our county for more than 25 years we have been
7 using a finding of conformance process which has served
8 the county well in that it provided a streamline process
9 for incorporating a proposed new facility or expansion of
10 exiting facility into the county's plan.

11 Because of the changes in the existing law, the
12 process in our current plans can no longer be used. But
13 if you continue to use this finding of conformance
14 process, it can provide some means that probably can
15 address some of the concerns that you have from the local
16 standpoint and from the Board.

17 That finding of conformance process has always
18 provided a review of the project for consistency with the
19 goals, policies, and objectives of the plan and also the
20 policies of the Board and the LEA, and the policies of the
21 local jurisdiction's general plan which that as part
22 would provide adequate noticing to the public to give them
23 the opportunity to understand and provide concerns that
24 they have with the local jurisdiction. Also it would
25 evaluate the proposal in relationship to the siting

1 criteria of the siting element, and it would provide a
2 forum for the communities to voice their concerns. When
3 it's the community -- the jurisdiction that the facility
4 is in also has an opportunity to go to their communities
5 and bring the concerns to the task force which goes
6 through the FOC process.

7 Also we accept comments from the local
8 jurisdictions where the facility is located, as well as
9 the other jurisdictions that is surrounding that facility
10 and that jurisdiction. And we verify the project's
11 consistency with the applicant city or county's general
12 plan, which we think this is an adequate process that has
13 worked for jurisdictions our size. And something similar
14 might work for other jurisdictions too because if the
15 county of Los Angeles with all this complexity of the
16 jurisdictions and boundaries can use this type of process
17 in the past, I'm sure it can serve other jurisdictions
18 also.

19 We believe that a similar process could be done
20 statewide as an alternative to a formal amendment to a
21 siting element to incorporate changes in a landfill
22 expansion proposal and to address public involvement and
23 other concerns as a supplement to the CEQA process, if the
24 CEQA process is not adequate at that point.

25 We encourage the Board to reexamine this process

1 and we will offer support should the Board feel there's
2 any statutory requirement to amend this to be able to go
3 through the process. And we believe that ultimately there
4 should be consideration to consider other alternatives
5 because just the process of siting element to address the
6 issue with the public noticing should not be the best
7 solution. And I'm sure there's going to be other ways
8 that we can address public noticing. If there's any gaps
9 in the process within the jurisdictions, then we might be
10 able to work with the Board and to come up with solutions
11 to fill that gap rather than to go through another lengthy
12 process which can definitely impact and impede our
13 capability to be able to provide adequate disposal
14 capacity for disposal needs.

15 COMMITTEE MEMBER WASHINGTON: For the county of
16 Los Angeles, a CEQA hearing is considered what? What
17 happens? Give me a quick run down as to what happens and
18 who holds these hearings.

19 MS. AFSHARI: You know, unfortunately --

20 COMMITTEE MEMBER WASHINGTON: For an expansion of
21 a landfill.

22 MS. AFSHARI: Right. Any type of expansion to a
23 facility would require to go through a permitting process.
24 As part of that, they have to go through a CEQA process
25 and compliance. And through CEQA process from the scoping

1 down to the time that the document -- that environmental
2 document gets approved, there has to be public noticing.

3 Now, the public noticing includes public notice,
4 as what was mentioned as part of the notice in the
5 newspaper. Also the other notice in the local
6 jurisdictions have their way of reaching their community.
7 But it's clearly said in CEQA process there's like three
8 different stages that the community has to be informed
9 fully of what the project is. And I don't know if that
10 addresses your question. But I don't exactly -- can tell
11 what process there is or what steps the public is
12 notified, but I know overall in the process where there's
13 different stages --

14 COMMITTEE MEMBER WASHINGTON: Does its go before
15 the Board of Supervisors or Planning Commission?

16 MS. AFSHARI: Planning Commission is part of the
17 regional planning of the County?

18 COMMITTEE MEMBER WASHINGTON: Who makes up the
19 Planning Commission in L.A. County, do you know?

20 MS. AFSHARI: Unfortunately, I don't, but we deal
21 with them.

22 CHAIRPERSON JONES: It's also the Board of
23 Supervisors that has to do the final adoption of whether
24 or not it's a mitigated neg dec or a full EIR.

25 COMMITTEE MEMBER WASHINGTON: Any point,

1 Mr. Chair, is that when the Board of Supervisors do that,
2 they do it at 9:00 a.m. in the morning on Tuesdays and
3 Wednesdays of every week. People work from 9:00 to 5:00.

4 MS. AFSHARI: But Mr. Washington, most of these
5 Board meetings are full of people that they're concerned
6 and they take time off of work and they come and they
7 raise --

8 COMMITTEE MEMBER WASHINGTON: They shouldn't have
9 to. They shouldn't have to take time off if we're
10 providing a service to them. And from the conversation I
11 had with several Board of Supervisors' members, they are
12 looking at a new process of addressing these types of
13 issues. They're thinking of going to 7:00 p.m. Board
14 meetings when it comes to allowing these types of meetings
15 to take place because people want to have a say as to
16 what's going on in their neighborhood.

17 And I don't buy -- and I think I said this from
18 the very beginning. I've tried to be quiet through this
19 whole process listening to all these county folks talk
20 about what they don't believe should be planning and
21 permitting. Anything that has to deal with the public,
22 the public should be a part of it, whether it's planning
23 or permitting. And I think it should be done at a time
24 when people can have a say as to what's going on, whether
25 you're expanding or not expanding. I don't care if it's

1 connected or not connected. People should have a say as
2 to what's going on in their neighborhood.

3 I don't know why this seems to be a problem with
4 people, but that's where I'm at on this issue. And to
5 hear people constantly say, "Well, it shouldn't be in the
6 planning process" -- it should be in every process.
7 Because the public -- at the end of the day, is the public
8 who's going to be affected by this.

9 I don't buy the CEQA is the avenue that we should
10 all hang our hats on. CEQA does nothing for me. I served
11 with Supervisor Burke for eight years on the Board of
12 Supervisors, and I saw some of the hearings that take
13 place and what happens to a community when they have an
14 issue. And the issue is dealt with at 9:00 a.m. in the
15 morning. And they're at work. When we get off of work,
16 they're calling our office trying to find out what
17 happened to this particular item. "It was dealt with at
18 9:35 a.m., sir." "Well, I don't get off of work until
19 6:00 p.m." So for me, it's a mute issue when you tell me
20 CEQA works and things like that. It don't work because
21 the public is not a part of the process.

22 CHAIRPERSON JONES: As an operator of a facility,
23 I'd say just the opposite. CEQA works from the standpoint
24 -- it may not always be convenient, but it is not -- it
25 does not exclude people from participating. And that's

1 what the process is about. And you know, I've stood in
2 front of an awful lot of angry rooms until we were done
3 explaining what the process was. Some liked it. Some
4 didn't like it.

5 You can hold meetings at 6:00 at night. I've
6 gone to public meetings at 6:00, 7:00, and 8:00 o'clock at
7 night, and had nobody showed up. You know, I've gone to
8 Board of Supervisor's meetings at 9:30 in the morning and
9 had the room parked. I'm not sure that just the time is
10 the issue. I think what's really important is that the
11 information gets out there.

12 And I agree with you. The information has to be
13 out there. But you know what? I'm not going to read it
14 to them.

15 COMMITTEE MEMBER WASHINGTON: The public notice
16 to me is not a public hearing.

17 CHAIRPERSON JONES: I didn't say it was.

18 COMMITTEE MEMBER WASHINGTON: I'm just saying a
19 public notice is not a public hearing.

20 CHAIRPERSON JONES: But if you're noticed as to
21 where the hearing is or where to put in your comments, how
22 much more can you do for people? I mean, people have a
23 right to know what's going on in the community and to be
24 able to have input into that decision. I agree with you
25 100 percent on that. But I don't think it's a timing

1 issue. I don't know 6:00 at night or 7:00 at night makes
2 a difference between 9:00 in the morning.

3 COMMITTEE MEMBER WASHINGTON: Well, that's just a
4 difference we share. Because if you want to come to my
5 community and do business, you want to go make money off
6 of my community.

7 CHAIRPERSON JONES: Maybe yes, maybe no. I hope
8 so.

9 COMMITTEE MEMBER WASHINGTON: I hope so. If you
10 want to come into my --

11 CHAIRPERSON JONES: I never did it for the
12 experience.

13 COMMITTEE MEMBER WASHINGTON: -- community and do
14 business, I think you should make every effort -- and
15 that's where we use the word good faith efforts that you
16 should make every effort to make sure everyone is
17 included.

18 CHAIRPERSON JONES: I agree with that. But
19 that's not --

20 COMMITTEE MEMBER WASHINGTON: At 6:00 p.m.
21 certainly doesn't for working people who work 9:00 to
22 5:00.

23 CHAIRPERSON JONES: But Carl, the work of making
24 the public informed as to what the project is isn't just
25 that CEQA approval meeting. You know what I mean? That's

1 when -- it's like when we see a permit, you know, and
2 people say we've never rejected a permit. We haven't
3 rejected a permit because some permits take five years to
4 get in front of this Board because they've got to be
5 stroked. They've got to be massaged. You've got to have
6 other hearings. You've got to fix this and change that.
7 That's the way it should be.

8 But that doesn't say anything bad about this
9 Board. It says great things about staff, LEA, and the
10 process. I mean, seriously, Greg Pirie is sitting in the
11 audience. He's the LEA of Napa. I had him when he was
12 the LEA at Tuolumne County. He was the third LEA I went
13 through to get a permitted facility, which meant I had to
14 start over every damn time. I don't know how many public
15 hearings we had on that facility. We had no opposition at
16 the end because everybody knew. So I agree with you.

17 But the meeting was at 9:30 in the morning, and
18 the people that showed up showed up to support it.
19 There's a lot of -- I'm not saying every process is right,
20 but how many hearings did they have on Puente Hills?
21 Five. How many did you have on Bradley?

22 MR. WHITE: Lost count.

23 CHAIRPERSON JONES: So the adoption at the end --

24 COMMITTEE MEMBER WASHINGTON: And to just respond
25 to that, that's why Bradley had to go through what it went

1 through, and that's why Puente Hills is trying to do
2 everything they can and put 3 and \$4 million in that
3 community so people know what's going on.

4 CHAIRPERSON JONES: Absolutely. There's nothing
5 wrong with that.

6 COMMITTEE MEMBER WASHINGTON: Either you're going
7 to pay in the beginning or you're going to pay in the end.
8 I don't care how you figure it.

9 CHAIRPERSON JONES: The whole system, believe
10 me --

11 COMMITTEE MEMBER WASHINGTON: Either you're going
12 to pay at the beginning, or you're going to pay at the
13 end, end of story.

14 CHAIRPERSON JONES: You pay from day one.
15 Believe me, it don't ever stop costing.

16 So I think what's important here -- I agree with
17 you. Okay. I don't know that we're talking exactly the
18 same thing. I agree the public has to know. But when we
19 looked at siting elements, the siting element said -- and
20 you got to back up a little bit. Local officials didn't
21 have a clue that sat on City Councils and Board of
22 Supervisors -- not all of them. Some of them. Didn't
23 have a clue how much garbage was being generated in their
24 community and where it was going.

25 And AB 939 said you are going to ensure that

1 you've got 15 years of disposal capacity. You've got to
2 know how much garbage you've got. And you're going to
3 tell us where all the sites are. Describe them. See what
4 you're going to do. It actually started the system of
5 people thinking about this stuff, which is what you want
6 and what I want. Okay.

7 At that time we identified these places, there
8 was never any cut and dry description of how we were
9 supposed to identify these things. You know, we
10 identified some of them with an address, others with
11 boundaries, others with latitude and longitude
12 coordinates. It was sort of all over the map. But we
13 identified.

14 So if I've got a landfill identified in my
15 CEQA -- in my siting element and it's here, and I've told
16 the community from day one that is going to be the
17 landfill that takes all the waste from this area, when I
18 go to expand this site out here, I'm going to have a local
19 CEQA. I'm going to have to go through hearings,
20 discussions. I've got to go to the local task force.
21 I've got to do a whole series of things to be able to even
22 expand this property. Okay. It just doesn't happen with
23 nobody knowing. But that's off of that one address and
24 that longitude.

25 Part of the issues that are coming up are, here's

1 what I identified in the siting element, and I made a
2 description about expansion and so I have a place here.
3 Is that the same address? I don't think it is. Because
4 this is the dot on the map. This one isn't. Okay.

5 Now, if this ended up having pieces filled in
6 eventually over time where each of them went through the
7 local process, then I don't have a problem with that. But
8 it's got to go through the process.

9 So none of this discussion, I don't think, is to
10 stop the public process. Okay. Nothing is geared to stop
11 the process. I think what we're looking at -- what I'm
12 looking at here is how do we define that dot on the map
13 and do we stay consistent with it? Because if we say
14 everybody go back and define your territory to be this
15 square, and now all of a sudden you've got to do a bump up
16 here of ten acres, do we have to go through this process
17 again?

18 Because like she was saying, they would have to
19 go through 88 cities, 5001-D, right? Was it 50000-D gave
20 L.A. County an exemption that they could do their task
21 force until we accepted their plan? And then when we
22 accepted their plan, they lost the ability to use that
23 task force, you know, that conformance mechanism. They
24 need to do legislation, and I'd support it 100 percent to
25 get that back in. I got no problem with it. I went away.

1 And I have to tell you, you are -- I enjoy that you come
2 to these meetings. Because I have people who we know and
3 love wanting to do full siting element amendments if we
4 added 75 tons to a permit.

5 So anyway -- so I'm hoping that these guys can
6 make me smarter. Because I always get this sense that
7 somebody might be trying to get away with something
8 sometimes in these conversations. And I'm hoping that's
9 why I want this, to not know about Fink Road as much as
10 the public policy. Because Mr. Washington's right, the
11 public has to know. I think we all know that. But it
12 can't be just, you know, I said, she said. I think that
13 if we do a siting element, we've identified it. What is
14 the next step? I think the question is then okay, you got
15 an existing siting element that shows a 50 acre site.
16 You're going to expand it by 100 acres. What's the next
17 step that we need to ensure happens for that to happen
18 without amending the siting element because that's already
19 been identified? Is that a fair question to ask?

20 DEPUTY DIRECTOR SCHIAVO: Yeah. Very much so.
21 How to avoid the majority/majority issue for something
22 that's considered a general address or identification.

23 CHAIRPERSON JONES: How do we do that? Isn't
24 that the question you were asking people?

25 DEPUTY DIRECTOR SCHIAVO: Essentially.

1 CHAIRPERSON JONES: And we never got an answer to
2 it. So now after my long diatribe, somebody tell me how
3 do we ensure that the public knows that that site is going
4 to go out? Okay. I mean through the permitting process
5 or whatever. Go ahead.

6 MR. WHITE: Chuck White with Waste Management.

7 Again I would argue that as long as we focus
8 attention on adequate notice and hearing through the
9 permitting process, that I'm not sure we have to spend a
10 whole lot of time agonizing over what expansion might
11 trigger this. I mean, for example, you could have a
12 50-acre landfill, and you're going to put another 50-acre
13 expansion contiguous to that. Or maybe it's going to be
14 another 50-acre expansion 50 feet away or 500 feet away or
15 five miles away. But it doesn't really matter if there's
16 been adequate notice or hearing through the planning
17 process as long as you're ensured through the permitting
18 process that there has been adequate public notice, that
19 there is a public hearing.

20 CHAIRPERSON JONES: Wait a minute, Chuck.

21 MR. WHITE: We had believed previously that had
22 been adequately done through CEQA process, but there were
23 indications perhaps that hasn't been done. There's a
24 number of suggestions on ways to improve that, both
25 through Montanez Bill and through actions of your own

1 Board in the Permitting and Enforcement Committee.

2 CHAIRPERSON JONES: Are you telling me that
3 you've got Altamont Landfill here, and you expand five
4 miles away --

5 MR. WHITE: I'm not sure we have to worry about
6 all the what ifs.

7 CHAIRPERSON JONES: You said it didn't matter if
8 it was contiguous, 50 feet, 500 feet, or five miles. It
9 is important from the standpoint of this discussion. Are
10 you telling me this one five miles away is the same
11 address as the Altamont?

12 MR. WHITE: I don't think it's necessary to worry
13 about it because there will be public notice and
14 participation through the permitting process. I think
15 this majority/majority process is a relic from something a
16 long time ago, and I think it has less importance now as
17 long as we do these public notices and public hearings
18 adequately through the permitting process.

19 And I think we're moving in that direction both
20 this Board, the Legislature, the local government. And
21 the industry is moving to be more understanding and
22 responsive to community concerns. But we need -- I mean,
23 how many chemical plants go through majority/majority?
24 How many power plants go through majority/majority? It
25 really is a relic of something.

1 CHAIRPERSON JONES: But it's the law.

2 Majority/majority is the law until it gets changed.

3 MR. WHITE: That's how you interpret that law.

4 I'm not sure you have to worry about it, as long as
5 there's adequate public notice during the permitting
6 process to adequately respond to community concerns.

7 CHAIRPERSON JONES: I don't want to get off on
8 this tangent, but I've got to. You're telling me that you
9 have a landfill, and five miles away, not contiguous --
10 doesn't have anything to do with the property you've
11 got -- the first site is Chuck White 1. The second one is
12 Chuck White 2. It's never been identified. You're going
13 to call that an expansion of Chuck White 1 and just go
14 through the permitting process?

15 MR. WHITE: I'm not sure that situation would
16 ever arise. You can have a lot of what ifs on speculation
17 and things. I know Waste Management isn't considering
18 doing that. Maybe we will in five years, ten years. But
19 we're not -- as far as I know, it's not a realistic issue.
20 And it has less importance, in my personal view and other
21 companies -- has less importance as long as there's been
22 adequate public notice and participation through the CEQA
23 and solid waste permitting process. And I don't think we
24 need to agonize over whether we need to subject an
25 expanding facility to the majority/majority process, which

1 I think is an artifact that we shouldn't be wringing our
2 hands over that.

3 CHAIRPERSON JONES: I agree with you on
4 everything, except once you start going away from the
5 facility. You blow the argument out of the water for me.
6 Go ahead.

7 MS. REED: Jocelyn Reed, city of Modesto.

8 I guess in listening to this discussion, it
9 brings me back to what AB 939 was supposed to be all
10 about, which is planning for solid waste, recycling,
11 diversion, composting, and disposal. And disposal was
12 supposed to have the lowest priority.

13 So I think it's very, very important that the
14 public -- meaning all of the jurisdictions within, say, a
15 county, a solid waste area have input into that planning
16 process. And if that planning process leads to favoring
17 of landfill-based disposal over what we're supposed to be
18 doing, which is reduction, recycling, composting,
19 transformation, then I think the public has to have the
20 ability and the input into that planning process, through
21 the process that's established. That if you have a siting
22 element, that's a plan we agreed to. All of the
23 jurisdictions and the county agreed to. Why shouldn't the
24 public, all of the jurisdictions that are represented,
25 have input into the change in that document which could

1 create problems for other activities?

2 Our focus, again, is on source reduction,
3 recycling, composting, transformation, and disposals at
4 the end of the day. And by relegating it to the permit
5 side, you don't give us any input into that process. So I
6 really think it's very important that, you know,
7 amendments be brought back to the jurisdictions for their
8 approval through a hearing process.

9 I do agree in L.A. County's case, they got a
10 problem, and there's got to be a way to solve that to make
11 it easier for them. I think maybe the old process they
12 had, the FOC process that you described, that, you know,
13 appeared to have taken care of the issues at that point.
14 That's where I think, you know, we should be headed with
15 this discussion.

16 CHAIRPERSON JONES: Actually, part of what you
17 brought up is prevent and impair. That was law that was
18 written and said you can't look at disposal facilities and
19 disallow them because you want to recycle. They all stand
20 on their own. Prevent and impair is an old discussion
21 that L.A. can get into at another time and another place.

22 Go ahead.

23 MR. DORRIAN: Jack Dorrian, Assistant County
24 Council for Stanislaus County. I wanted to speak earlier
25 when there was a question about what kind of public

1 process occurs in CEQA. And I wanted to be clear that,
2 indeed, when there's a facility such as an expansion of a
3 landfill or other type of facility of that magnitude, it
4 always goes before the Planning Commission to make a
5 determination of consistency with the general plan of the
6 county, or in the case of the city, with the city's
7 general plan. And those meetings to my knowledge are
8 invariably held during the evening, and there's always a
9 lot of public participation.

10 And also, as Mr. Jones ably pointed out, is the
11 Board of Supervisors also has a say and a determination in
12 that process of ultimately allowing those types of
13 facilities to occur. I know they do in our county. And
14 invariably we always have at least one night meeting to
15 facilitate people that can't make it during the day. And
16 in the case of Fink Road Landfill, which we seem to be
17 stuck on talking about, is we adjourn our regular meeting
18 during the morning to facilitate an evening meeting by
19 the -- to allow others to attend in the evening.

20 The point of all this is I think through the CEQA
21 process that is associated with the permitting of a
22 facility or an expansion adequately handles public comment
23 and participation. Not only that, but it also facilitates
24 the participation by cities and other local jurisdictions
25 in that process. Case in point, in the Fink Road Landfill

1 expansion that was going forward, the city of Modesto
2 provided ample comment about that particular project. So
3 there's plenty of opportunity for the public to
4 participate in those projects.

5 I agree that in both of the permitting and the
6 planning stage there needs to be public participation.
7 But I would submit that if in the planning stage -- let's
8 back up to really what this hearing or workshop is about
9 today. And that is conformance findings as to whether or
10 not a particular project is in conformance with the local
11 siting -- countywide siting element. In that particular
12 case, your Board makes that determination of consistency
13 finding.

14 I would ask the question, if you're going to make
15 the determination of consistency, and that needs to be
16 open to public participation, is it easier for the local
17 members of a jurisdiction in Los Angeles County,
18 Stanislaus County, or any other county, except for maybe
19 Sacramento County, to appear before your Board to make
20 comments and publicly participate in that particular
21 finding? I submit it's easier and promotes public
22 participation -- local jurisdiction participation by
23 having that decision made locally as opposed to up here at
24 the Waste Board level. That's all I have.

25 MR. McCARGUE: Jim McCargue, Amador County Public

1 Works Agency.

2 DEPUTY DIRECTOR SCHIAVO: It sometimes hits a
3 dead spot.

4 MR. McCARGUE: Okay. It's working.

5 Jim McCargue, Amador County Public Works Agency.
6 To get back to your question, Mr. Chairman, regarding a
7 change to a siting element with respect to, say, a
8 footprint of a landfill, that little blip or adjacent
9 piece or whatever, where does it go? The answer is to the
10 local task force. And I think we shouldn't diminish the
11 importance of the local task force for these documents --
12 the planning documents, siting element included, came from
13 the local task force which serves as a very important
14 advisory body to the local jurisdictions. Therefore, a
15 change automatically goes to the local task force. So I
16 just wanted to throw that in there that, you know, I
17 didn't hear too much talk about the local task force. But
18 to answer your question, that's where it goes.

19 CHAIRPERSON JONES: Thank you.

20 MR. WILLIAMS: I just wanted to add to the
21 comments that were made by the representative from the
22 L.A. San -- can you hear me okay -- from L.A. County.

23 CHAIRPERSON JONES: Just come up to the mic. We
24 made it easy on you guys all afternoon. Walk up to the
25 mic.

1 MR. WILLIAMS: Kevin Williams, Stanislaus County.

2 I just wanted to add to what the representative
3 from L.A. County mentioned in terms of the public input.
4 As part of the CEQA process, the environmental documents
5 that are prepared, whether it's a negative dec, mitigated
6 negative dec, or an EIR is routed to the State
7 Clearinghouse. State Clearinghouse's responsibility is to
8 route the environmental document to all the appropriate
9 agencies, the interested parties.

10 In addition to that, at a local level those same
11 environmental documents are routed to all interested
12 parties. You may have hundreds of copies distributed to
13 interested parties. So I wanted to bring that up.

14 With respect to hearings that Mr. Washington was
15 saying that it's very important for all us citizens to
16 know what's going on, and I completely agree with you. As
17 a representative of a local agency, I get concerned about
18 the duplication of state regulations being put on, when
19 already there are requirements at the local level that
20 require public hearing. So I am concerned about that
21 duplication.

22 And then lastly, to answer Mr. Jones' question,
23 with respect to when you've got a piece of land up here
24 and you want to site another one over here five miles
25 away, I think it depends what your siting element says.

1 If it says in there, like ours does, that the expansion
2 must be adjacent or contiguous to and to the south and
3 west of, that's where that expansion should be. Because
4 our Landfill Expansion Committee said -- and was adopted
5 by the LTF and all the cities in the county, this is the
6 area of expansion next to the Fink Road Landfill.

7 On the other hand, if you're siting element
8 states that the expansions of the landfill shall go in the
9 37,500 acre southwest quadrant of the county, then I would
10 say that a landfill expansion that's separate from the
11 landfill that's addressed but yet within that quadrant, I
12 would say it is consistent with the siting element. I
13 think it depends on how the siting element is written.

14 DEPUTY DIRECTOR SCHIAVO: Kevin, on the first
15 question up there -- because we didn't get much response.
16 How does the impacted community define -- because you were
17 talking about some noticing that goes out to the State
18 Clearinghouse and there's a couple hundred flyers that are
19 sent. So how do you define who that potentially impacted
20 community is and get them into the loop?

21 MR. WILLIAMS: What type of impact are you
22 referring to? Because there's many levels of impact. All
23 the folks in the county are impacted by proper solid
24 waste, the handling and disposal. If you're talking about
25 environmental impact, then you may have a different

1 circle.

2 DEPUTY DIRECTOR SCHIAVO: Talking about the
3 impact of a community that's around a landfill that's
4 looking at expanding.

5 MR. WILLIAMS: How is that defined?

6 DEPUTY DIRECTOR SCHIAVO: How do you define them
7 for noticing purposes?

8 MR. WILLIAMS: That's a very good question. Off
9 the top of my head, I don't have an answer for that. In
10 our county --

11 COMMITTEE MEMBER WASHINGTON: Do you guys have
12 homeowners' associations and community organizations?

13 MR. WILLIAMS: Yes, we do.

14 COMMITTEE MEMBER WASHINGTON: And I think that's
15 what Pat is trying to see, if there's a particular
16 mechanism you guys have in place to where -- when they go
17 out through the Clearinghouse, that it goes to all these
18 homeowners' associations, you know. I know that you can't
19 get to every person, but there's groups that are set up
20 too to where a homeowners' association have 100 people in
21 their homeowners' association. To get to that homeowners'
22 association and get that information to that meeting, you
23 clear out 100 homes right there. So I think he was trying
24 to -- am I right, Pat, in terms of --

25 DEPUTY DIRECTOR SCHIAVO: A little bit. Since

1 you brought up Fink Road since --

2 MR. WILLIAMS: I think that's --

3 DEPUTY DIRECTOR SCHIAVO: They're to the
4 southwest. They're down here. And you have homeowners'
5 associations and then individuals who aren't part of it
6 and surrounding community. How do you define who's
7 actually impacted by that proposed expansion because
8 there's no other mechanism?

9 MR. WILLIAMS: I think that people who are in
10 local governments, who are engaged with the community and
11 care, they already know in advance who those stakeholders
12 are going to be, those homeowners' associations. They're
13 going to make sure the word gets out to those. They're
14 going to set up public workshops. You're going to go, in
15 our case, to the City Councils. We're going to go to
16 Paterson City Council. We're going to go to Newman City
17 Council. We're going to go to the Grayson Community
18 Service District meeting, hold workshops. So that's -- we
19 take it on ourselves to understand who are the
20 stakeholders on that side of the community and make sure
21 they are properly notified of the project.

22 CHAIRPERSON JONES: Okay.

23 MR. WILLIAMS: Thank you.

24 CHAIRPERSON JONES: Is there anybody else out
25 there that wants to comment?

1 I will say that the affected group, the impacted
2 community is also a changing bubble. One of the last MRFs
3 I did, we hit everybody within four blocks in every
4 direction. Made sure they knew. Four blocks in the rural
5 area is a long way. And when we got to the -- we had
6 talked to everybody. When we got to the Planning
7 Committee that night for approval of the document, there
8 was about 75 people showed up mad as hell. I didn't even
9 know where they came from. They were like four miles
10 away. Because somebody had gotten them stirred up that
11 there was going to be all this traffic, you know, even
12 though we had gone through all the stuff.

13 We had to meet with them the next day. But all
14 the planning directors -- I'll tell you honestly -- sat
15 there and said, "Have you guys contacted the company?
16 Have you talked to the company at all?" They said, "No.
17 We don't trust the company." Yet everybody within the
18 surrounding area was for the project because we had
19 communicated with them. They didn't. They're an affected
20 community, but they're three or four miles away. We met
21 with them the next day, ran them through it. They were
22 fine. Everything was okay.

23 It's a target that almost can't be defined. I
24 don't think you're ever wrong with going further. I don't
25 think you can go to everybody. But some of it -- I mean,

1 you've got to let people in the area know. And it just
2 makes your life so much easier. This stuff ain't easy.

3 COMMITTEE MEMBER WASHINGTON: Ask Waste
4 Management. They'll tell you.

5 CHAIRPERSON JONES: What's the matter? You
6 didn't trust me?

7 Go ahead, Sean.

8 MR. EDGAR: Mr. Jones and Committee members and
9 esteemed workshop attendees, Sean Edgar on behalf of the
10 California Refuse Removal Council.

11 I occur, Mr. Jones, with your assessment that the
12 planning document conformance finding issue as a -- going
13 back to what the original intent was. And the CRC is in
14 support of the idea of a reasonably contiguous operation
15 not being a trigger for an amendment to a siting element.
16 Once again, reasonably contiguous. How do we get through
17 that? And I agree many siting elements were written many
18 different ways over the years. However, our perspective
19 is that an existing facility that's been defined for many
20 years -- if it's an alteration to an already described
21 facility that went through a majority/majority, then a
22 contiguous expansion in our mind wouldn't be a trigger for
23 a new amendment. It's a very cumbersome and expensive
24 process, as I heard L.A. County say.

25 However, I did want to just speak briefly to Mr.

1 Washington's concerns as well the rest of the Committee
2 about the public process and what do we know about CEQA.
3 And Mr. Schiavo asked the question of how is the
4 potentially impacted community identified. Our experience
5 is you have a minimum noticing requirement under CEQA,
6 which I believe to be 300 feet.

7 In addition to that, many of the communities --
8 and by way of background, our facility operators primarily
9 franchise the haulers and recyclers operating in about 150
10 curbside programs in excess of 100 facilities throughout
11 the state. So we come at this thing being the
12 locally-based company, and we're the local process people.

13 So what we find in the city of San Jose as an
14 example, not just any landfills -- which we happen to
15 represent a landfill there amongst our members. However,
16 any solid waste facilities that goes forward in the city
17 of San Jose has to comply with the outreach. And some of
18 these things are where the Board is going. The CDI public
19 hearing is an example, our continuing workshops on rolling
20 those into other regulatory packages. We're interested in
21 being further engaged in that process.

22 But just to put a little bit of perspective, as
23 Mr. Jones observed, it's a five year -- in many cases --
24 longer process. Our folks do that process by going to the
25 community groups. Last night our engineer was in a

1 meeting with a community group on behalf of a client, and
2 we try to establish that up front. We try to build it in
3 the planning process. And it's more appropriate in the
4 permitting process up front because in there you have
5 minimum noticing requirements under CEQA. You also have a
6 lot of communities that exceed that. You see efforts on
7 behalf of this Board to go a little bit further, and we're
8 supportive and we want to work with the Board on that.

9 But the conformance finding as the venue to do
10 that appears to be very cumbersome as in the case of
11 Los Angeles County. If our goal is public process, we
12 fully -- we fully pursue that to the best of our ability
13 by reaching out as far as we can. But our goal is to have
14 that done on the front end.

15 The challenge is if we set up the conformance
16 finding where it's somewhat of a back end, if you will --
17 if we heard L.A. County say it takes two years to go
18 through the process, our concern is by loading things into
19 the back end, we have less certainty as facility operators
20 on any type of facility, landfill or otherwise -- although
21 in this case we're talking specifically about siting
22 elements -- but front loading the permitting process to
23 the best of the ability, going deeper on that, you have
24 our commitment to do that. But we believe specific to the
25 issue before you today that making a sweeping large siting

1 element, reinterpretation, and requiring that to happen at
2 the end of the process we believe shortchanges our
3 commitment on the front end to load all of that stuff in.

4 So thank you for allowing me to express that to
5 you this afternoon.

6 CHAIRPERSON JONES: Thanks. Any questions? All
7 right.

8 Is there any other comments from the audience?
9 All right.

10 Members, any comments? Any comments, or do we
11 want to think about what we've heard today and then talk a
12 little more about this at another time? I think we're
13 going to see some permits that are going to come forward
14 that we're going to have to make individual determinations
15 on as far as whether or not they're in conformance or not.
16 But I think discussion was good.

17 I think part of the problem -- not problem. Part
18 of the fun and part of the challenge of this -- and I
19 apologize to both of you sometimes for going back in
20 history and trying to lay out some things. But because --
21 I'm not saying we did it right, but why we did some of
22 these things. Because the system is actually, I think,
23 working in most cases. They may not work to the -- so
24 that everybody is satisfied, but they work by and large.
25 And I think it's just a matter of -- you know, I heard

1 things today I did not agree with. But I know that a lot
2 of the conformance stuff we should be able to figure out.

3 If it's okay with the Committee, I think we'll
4 keep working on this in little pieces through discussions.
5 Is that cool? Any comments or --

6 COMMITTEE MEMBER PEACE: Just one comment.

7 The CEQA process is not adequate for public
8 outreach and notice. We had a couple revisions come
9 before the P&E Committee yesterday. And under the
10 community outreach part, all it said was the project was
11 subject to CEQA in 1997 or it was subject to CEQA in 2001.
12 No other community outreach had been done. So the CEQA
13 process is not adequate for public outreach. And there
14 does need to be public notification on who, when, where,
15 how far out. I think this is something that we need
16 regulations for. I'm not so sure this needs to be part of
17 the conformance finding. So those are some things we need
18 to talk about.

19 CHAIRPERSON JONES: Great. Any other items?

20 Anybody want to talk to us about something other
21 than these items? No.

22 Thank you all very much. We're adjourned.

23 (Thereupon the California Integrated Waste
24 Management Board, Sustainability and Market
25 Development Committee adjourned at 3:33 p.m.)

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 17th day of October, 2003.

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23 TIFFANY C. KRAFT, CSR, RPR

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